REMARKS/ARGUMENTS

The present Amendment is in response to the Office Action having a mailing date of August 5, 2004. Claims 1-12 are pending in the present Application. Applicant has amended claims 1-6. Consequently, claims 1-12 remain pending in the present Application.

Applicant has amended independent claims 1 and 6 to recite that the boot source is determined by determining a source of a number of instruction initially executed as the boot source. Support for the amendment can be found in the specification, page 7, lines 21-23. Applicant has also amended claim 1 to remove the terms "steps of". Applicant has also amended claims 2-5 to remove the designation of the steps. Accordingly, Applicant respectfully submits that no new matter is added.

In the above-identified Office Action, the Examiner rejected claims 1, 4, 6, 7, 9, and 11 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,678,833 (Grawrock). The Examiner also rejected claims 2, 3, 5, 10, and 12 under 35 U.S.C. § 103 as being unpatentable over Grawrock in view of U.S. Patent No. 5,944,821 (Angelo). The Examiner also rejected claim 8 under 35 U.S.C. § 103 under Grawrock in further view of "VIA's New South Bridge: VT82C686B Supporting UltraATA/100" (Schmid) and "Intel Pentium III i815e Motherboard Shootout" (Sethi).

In the above-identified Office Action, the Examiner rejected claims 1, 4, 6, 7, 9, and 11 under 35 U.S.C. § 102 as being anticipated by Grawrock. In so doing, the Examiner cited Grawrock, col. 3, lines 62-67 and col. 4 lines 10-18 and 25-30.

Applicant respectfully traverses the Examiner's rejection. Claim 1 recites a method for evaluating a boot source in a computer system having a processor. The method recited in claim 1 includes determining the boot source used by the processor each time the computer system boots and allowing the boot source to be specified once as a known boot source. The determination of

the boot source includes determining a source of a number of instructions initially executed and identifying this source as the boot source. Claim 6 recites an analogous system claim.

Thus, the method and system recited in claims 1 and 6 provides a trusted boot source. Moreover, the method and system recited in claims 1 and 6 allow the trusted boot source to be verified. In particular, the boot source is determined using the source of a number of instructions initially executed. In one embodiment, the source of the first one hundred instructions executed is determined as the boot source. Specification, page 7, lines 21-23. Thus, the boot source from which the instructions are actually executed can be provided and independently verified. Consequently, a trusted boot source can be reliably provided.

Grawrock fails to teach or suggest the method and system recited in claims 1 and 6, respectively. In particular, Grawrock fails to teach or suggest determining the boot source using a number of instructions first executed. Grawrock describes a system which provides a boot block identifier from the boot block memory unit, either the first time the computer system starts up or each time the system starts up. Grawrock, col. 3, lines 57-67. Thus, the identity of the boot block is preserved. In response to challenges, a boot block signature is provided. Grawrock, col. 4, lines 10-18. In addition, Grawrock does state that the

> boot block memory unit loads and records its boot block identifier into the memory
> . . . Next, the boot block memory unit locates and loads the BIOS for execution . . .
> The Bios (or a representation thereof) is loaded to the TPM and a BIOS identifier is
> recorded . . .

Grawrock, col. 4, lines 25-30. Thus, Grawrock does state that a BIOS identifier and a boot block identifier are recorded. Applicant concludes that the Examiner analogizes these activities to the writing of the boot source to a register each time the computer system is initialized, as in claim 4. However, Grawrock does not specify precisely how the boot block identifier or the BIOS identifier

are obtained. In particular, there is no indication in the cited portions of Grawrock that the source of a particular number of instructions initially executed is identified and determined as constituting the boot source. Instead, the BIOS identifier and boot block identifier of Grawrock are apparently loaded prior to execution or loading of initial instructions. Consequently, Grawrock fails to teach or suggest determining a boot source by determining a source of a number of instructions initially executed as the boot source. Grawrock, therefore, fails to teach or suggest the method and system recited in claims 1 and 6, respectively. Consequently, Applicant respectfully submits that claims 1 and 7 are allowable as presented..

The Examiner also rejected claims 2, 3, 5, 10, and 12 under 35 U.S.C. § 103 as being unpatentable over Grawrock in view of Angelo.

Applicant respectfully traverses the Examiner's rejection. Claims 2, 3, and 5 and claims 10 and 12 depend upon independent claims 1 and 6, respectively. Consequently, the arguments of Grawrock with respect to claims 1 and 6 apply with full force to claims 2, 3, 5, 10, and 12. As discussed above, Grawrock fails to teach or suggest a method or system that determines the boot source by determining the source of a number of instructions initially executed.

Angelo fails to remedy the defects of Grawrock. Angelo describes a system for secure registration and assessment of software and, therefore, does describe hashing. However, Applicant has found no mention in Angelo of determining a boot source using the source of a particular number of instructions first executed. Consequently, any combination of Grawrock and Angelo would also fail to teach or suggest this feature. Accordingly, Applicant respectfully submits that claims 2, 3, 5, 10, and 12 are allowable over the cited references.

The Examiner also rejected claim 8 under 35 U.S.C. § 103 under Grawrock in further view of Schmid and Sethi.

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Applicant respectfully traverses the Examiner's rejection. Claim 8 depends upon independent claim 6. Consequently, the arguments of Grawrock apply with full force to claim 8. As discussed above, Grawrock fails to teach or suggest a method or system that determines the boot source by determining the source of a number of instructions initially executed.
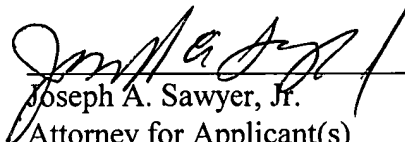
Schmid and Sethi fail to remedy the defects of Grawrock. Schmid and Sethi describe a south bridge. However, Applicant has found no mention in Schmid or Sethi of determining a boot source using the source of a particular number of instructions first executed. Consequently, any combination of Grawrock and Schmid and/or Sethi would also fail to teach or suggest this feature. Accordingly, Applicant respectfully submits that claim 8 is allowable over the cited references.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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Date

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